

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DAVID J. SCHUBERT,	)	
	)	
Plaintiff,	)	Civil No. 6:15-cv-0 1755-TC
	)	
v.	)	FINDINGS AND
	)	RECOMMENDATION
ROSEBRG VA MEDICAL CENTER,	)	
<u>Defendant.</u>	)	

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COFFIN, Magistrate Judge:

This court issued an order to show cause why defendant Roseburg Medical Center's unopposed motion (#7) to dismiss should not be allowed after plaintiff failed to respond to such motion. Plaintiff was ordered to respond within twenty days and cautioned that a failure to respond would result in the dismissal of this action for failure to prosecute and failure to comply with a court order. Plaintiff has not responded. As such, this action should be dismissed for failure to prosecute, failure to comply with a court order, and for the reasons stated in the defendant's motion. The five factors for

dismissal discussed in Malone v. United States Postal Service, 833 F.2d 128 (9th Cir. 1987) have been weighed and indicate that dismissal is proper.

DATED this 22 day of April, 2016.

  
THOMAS M. COFFIN

United States Magistrate Judge